



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
Diane M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3007207
Applicant Name: Linda Stalzer, The Dwelling Company
Address of Proposal: 225 14th Avenue East

SUMMARY OF PROPOSED ACTION

Land Use Application to change the use of an existing four unit apartment building (Cooper House, Landmark structure) to a 4,656 square foot office building. Parking for six vehicles to be provided on the site.

The following approvals are required:

Administrative Conditional Use — To allow a use within a landmark structure not otherwise permitted in the zone. Chapter 23.44.026, Seattle Municipal Code

SEPA Environmental Determination — Chapter 25.05, Seattle Municipal Code

SEPA DETERMINATION: ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS

☒ DNS with conditions*

☐ DNS involving non-exempt grading or demolition
or involving another agency with jurisdiction

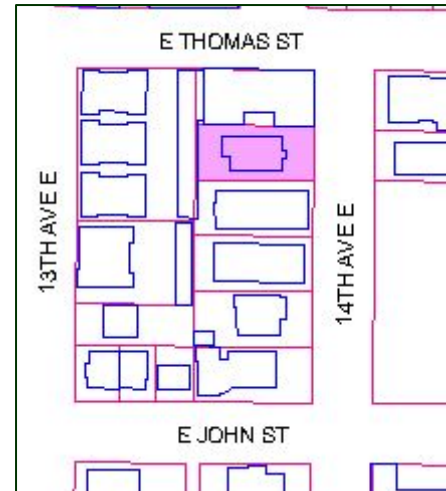
* The Notice of Application was published on June 28, 2007.

BACKGROUND DATA

Site and Vicinity Description

The site is located in Capitol Hill on 14th Avenue East between East John Street and East Thomas Street. The site is zoned L-3 (Lowrise 3) with a base height limit of 30 feet. Zoning on the adjacent properties to the north, south and west are also zoned L-3. Zoning directly across the street to the east is L-3 with a zone change to NC2-40 (the Safeway site). The site area is approximately 7,680 square feet (60' x 128').

Current adjacent uses do not reflect their current zoning capacity. The structure abutting the subject site to the north is approximately 15-20 feet higher than currently allowed by its zone. That building is also built directly on the shared property line with unprotected openings and employs neither setbacks nor open spaces as is currently required. The apartment building abutting the site to the south is also higher than current zoning allows by approximately 5 - 8 feet, has more lot coverage than is currently allowed and does not include parking for the units. To the west, down-slope (approximately 20 feet lower than 14th Avenue East), and behind the property is a garage and an apartment building. Across 14th Avenue East (to the east) are smaller apartment buildings and the recently renovated Safeway grocery.



There is no alley, driveway, garage or other parking areas on the site. There are two large maple trees between the curb of 14th Ave East and the public sidewalk.

A portion of the site was incorrectly designated as an Environmentally Critical Area for Steep Slopes and the applicant has received an ECA Exemption as the City maps were found to be in error.

Project History

The site was permitted as a four-unit apartment building that resembles a larger home, however records indicate that it was designed and built as a duplex. The structure has been vacant for the approximately two years.

The exterior of the existing structure and site have been designated as a historic landmark by the City of Seattle Landmarks Preservation Board. The landmark status prevents the structure from being demolished and limits the alterations that can be made to the building exterior. Redevelopment of this site is limited to the adaptive re-use of the existing structure and the intent is to rehabilitate the existing exterior and alteration of the interior to allow for administrative office use that complies with Landmark status.

The Certificate of Approval was granted on April 5, 2006. At this time, the proposal included conversion of the building into three residential units, exterior renovations and site alterations including the construction of two detached garages and landscaping. A variance was granted for the construction of the proposed detached garages (MUP #3004266).

Subsequent to that approval, the proposal has been revised to include conversion of the building from residential to office use, exterior renovations and site alterations and the elimination of the previously approved detached garage structures. The revised proposal has been reviewed by the Landmarks Preservation Architectural Review Committee on multiple occasions. Final approval must be obtained prior to issuance of this permit.

Proposal Description

The applicant proposes to change the use of an existing four unit apartment building (Cooper House, Landmark structure) to a 4,656 square foot office building within a Lowrise zone. Parking for six vehicles to be provided on the site.

Public Comment

Notice of the proposed project was published on June 28, 2007, with a comment period running through July 11, 2007. One comment letter was received and raised the following issues:

- Concerned with how vehicles will be accommodated on the subject site.
- How does the proposed change of use comply with the landmark status? What kind of commercial use is proposed?
- Concerned that the Sugar Maple street trees are protected during construction and that cars can enter/leave the site without damaging the trees.
- Wants to be assured that the landmark designation is respected and adhered to.

ANALYSIS – (SMC 23.45.116) ADMINISTRATIVE CONDITIONAL USE GENERAL PROVISIONS

- A. *Only those conditional uses identified in this subchapter as conditional uses may be authorized as conditional uses in multifamily zones. The Master Use Permit process shall be used to authorize these uses.*

The Land Use Code allows this use in a multifamily zone as an Administrative Conditional Use.

- B. *Unless otherwise specified in this subchapter, conditional uses shall meet the development standards for uses permitted outright in Subchapter I.*

This proposal meets the development standards for uses permitted outright in Subchapter I.

- C. *The Director may approve, condition or deny a conditional use. The Director's decision shall be based on a determination of whether the proposed use meets the criteria for establishing a specific conditional use and whether the use will be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.*

This decision shall be based on whether the proposed use meets the criteria for establishing a specific conditional use as described in SMC 23.45.124 A and B.

The criteria for a use not otherwise permitted in the zone shall be satisfied, and the project will be conditioned to prevent material detriment to the public welfare or injury to surrounding properties.

- D. *In authorizing a conditional use, the Director may mitigate adverse negative impacts by imposing requirements and conditions deemed necessary for the protection of other properties in the zone or vicinity and the public interest.*

The criteria described in SMC 23.45.124 A and B is used to evaluate the proposal and condition, if necessary, to protect other properties and the public interest. Furthermore, this proposal will be analyzed pursuant to SEPA authority, SMC 25.05 and conditioned as appropriate to mitigate adverse impacts.

E. The Director shall issue written findings of fact and conclusions to support the Director's decision

This report satisfies the above criterion.

F. Any authorized conditional use which has been discontinued shall not be re-established or recommenced except pursuant to a new conditional use permit.

This application is the first occasion in which the proposed conditional use has been requested.

ANALYSIS – (SMC 23.45.124) ADMINISTRATIVE CONDITIONAL USE LANDMARK STRUCTURES

Section 23.45.124.A of the Seattle Municipal Code provides that the Director may authorize a use not otherwise permitted in the zone within a structure designated as a landmark pursuant to the Seattle Municipal Code, Chapter 25.12, Landmark Preservation Ordinance. This authorization is subject to three development standards, each of which be analyzed below.

1. The use shall be compatible with the existing design and/or construction of the structure without significant alteration; and

Structural alterations are proposed, including the addition of steel beams and structure on the first level, an additional shear wall, as well as a new stairwell on the north side of the building. All alterations will be reviewed and approved by the Landmarks Preservation Board for compatibility with the existing design.

2. The use shall be allowed only when it is demonstrated that uses permitted in the zone are impractical because of structure design and/or that no permitted use can provide adequate financial support necessary to sustain the structure in a reasonably good physical condition; and

While residential uses are permitted outright in this zone and would be practicable in terms of the structural design and overall constructability, the ability to finance such a use in this structure is constrained. The land was purchased at a price that assumed demolition of the existing structure and the construction of six new townhouses. When the existing building was granted Landmark status, it prevented the presumed construction from occurring. The development plan was revised to include the conversion of the 4,600 square foot building into a three unit condominium. In order complete such renovations and break even financially, the cost would total approximately \$3.1 million. Even at \$620 per square foot, the project would have a negative 15% return, equal to a loss of \$500,000. This would translate into a selling price of \$600,000 for the basement unit, which is unlikely to transpire. Converting the building into commercial office space allows the construction costs to be greatly reduced due to open floor plans and the elimination of high end finishes (such as kitchens, bathrooms, hardwood floors, etc). Therefore, the proposed office use can better support the preservation and rehabilitation of this landmark structure, while protecting the financial viability of the project.

3. The use shall not be detrimental to other properties in the zone or vicinity or to the public interest.

The proposed use will not be detrimental to other properties in the zone or vicinity or to the public interest for several reasons. First, the proposed on site parking provisions will, in fact, alleviate a congested on-street parking condition currently experienced in the immediate neighborhood. Second, the hours of activity associated with office uses are generally during the weekdays only and opposite the peak hours of residential activity during the evenings and weekends. The subject site is flanked by two large multifamily structures on either side. Thus, the relatively low levels of noise and traffic related to the proposed commercial office use are unlikely to generate negative conditions for these nearby residences. In fact, given the converse of peak hour activity, the proposed office use may be desirable to the abutting residential uses. Finally, the subject site is located across the street from a large grocery store and surface parking lot, which has a strong commercial presence on 14th Avenue. Moreover, within five blocks of the project site and within the same zone, there are at least six commercial businesses being operated out of buildings originally built as residential structures.

Section 23.45.124.B of the Seattle Municipal Code provides that the parking requirements for a use allowed in a landmark are those listed in Section 23.54.015. These requirements may be waived pursuant to Section 23.54.020.C. The proposed six parking stall to be located on the subject site satisfies the parking requirement of five stalls set forth in the Land Use Code.

DECISION – ADMINISTRATIVE CONDITIONAL USE

Based on the foregoing analysis and review, the proposal, as conditioned below, satisfies all relevant requirements of SMC 23.45.124 which governs administrative conditional uses in a landmark structure within multi-family zones. The proposal, as conditioned, is not expected to be materially detrimental to the public welfare nor injurious to property in the zone or vicinity in which the institution will be established, and should be **APPROVED**. The conditional use application is approved.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated June 15, 2007. The information in the checklist, project plans, supplemental information submitted by the applicant and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

Many environmental concerns have been addressed in the City's codes and regulations. These codes/regulations include, but are not limited to, the Stormwater, Grading and Drainage Control Code (storm water runoff from additional site coverage by impervious surface); Puget Sound Air Pollution Control Agency regulations (increased airborne emissions); and the Seattle Energy Code (energy consumption in the long term). The SEPA Overview Policy (SMC 23.05.665) discusses the relationship between the City's code/policies and environmental review. The Overview Policy states, in part, "Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulation are adequate to achieve sufficient mitigation" subject to some limitations. It may be appropriate to deny or mitigate a project based on adverse environmental impacts in certain circumstances as discussed in SMC 23.05.665 D1-7. In consideration of these policies, a more detailed discussion of some of the potential impacts is appropriate.

Short-term Impacts

The following short-term, temporary or construction-related impacts are expected: decreased air quality due to dust and other suspended air particulates from renovation activities and hydrocarbon emissions from construction vehicles and equipment; potential soil erosion and potential disturbance to soils during general site work; increased traffic and demand for parking from construction equipment and personnel; conflicts with normal pedestrian and vehicular movement adjacent the site; increased noise and consumption of renewable and nonrenewable resources. Due to the temporary nature and limited scope of these impacts, they are not considered significant (SMC 25.05.794). Although not significant, these impacts are adverse and in some cases, mitigation is warranted.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: Stormwater, Grading and Drainage Control Code (grading, site excavation and soil erosion); Street Use Ordinance (watering street to suppress dust, removal of debris, and obstruction of the pedestrian right-of-way); the Building Code (construction measures in general); and the Noise Ordinance (Construction related noise). Compliance with these codes and ordinances will reduce or eliminate most of the short-term impacts to the environment.

Noise

All construction activities are subject to the limitations of the Noise Ordinance. Construction activities (including but not limited to demolition, grading, deliveries, framing, roofing, and painting) shall be limited to non-holiday weekdays from 7am to 6pm. Interior work that involves mechanical equipment, including compressors and generators, may be allowed on Saturdays between 9 am and 6 pm once the shell of the structure is completely enclosed, provided windows and doors remain closed. Non-noisy activities, such as site security, monitoring, weather protection shall not be limited by this condition.

Construction activities outside the above-stated restrictions may be authorized upon approval of a Construction Noise Management Plan to address mitigation of noise impacts resulting from all construction activities. The Plan shall include a discussion on management of construction related noise, efforts to mitigate noise impacts and community outreach efforts to allow people within the immediate area of the project to have opportunities to contact the site to express concern about noise. Elements of noise mitigation may be incorporated into any Construction Management Plans required to mitigate any short -term transportation impacts that result from the project.

Construction Vehicles

Existing City of Seattle regulations (SMC 11.62) require truck activities to utilize arterial streets in so far as possible. The proposal site is located one block from a primary arterial (East John Street) and traffic impacts resulting from the truck traffic associated with renovation activities and site work will be of short duration and mitigated by the enforcement of SMC 11.62.

Existing City of Seattle regulation (SMC 11.74) also provide that material hauled in trucks not be spilled during transport. The City requires a minimum of one foot of “freeboard” (area from

level of material to the top of the truck container) be provided in loaded uncovered trucks. This will minimize the amount of dust and spilled material from the truck bed en route to and from the site. No further conditioning of the grading/excavation element of the project is warranted pursuant to SEPA policies.

Historic and Cultural Preservation

The Cooper House is a designated City of Seattle Landmark. The proposed building alterations are under review by the Landmarks Preservation Board. Therefore, no further mitigation pursuant to SEPA authority at SMC Section 25.05.675.A is warranted.

Long-term Impacts

Potential long-term or use impacts anticipated by the proposal are not considered significant because they are minor in scope and the level of adversity is mitigated by compliance with city codes and ordinances. Baseline levels of noise, energy consumption, air quality, and solid waste generation will not alter substantially. The Administrative Conditional Use portion of this analysis addresses the parking and transportation issues. The Land Use Code controls site coverage, setbacks, building height and use and contains other development and use regulations to assure compatible development. A Certificate of Approval from the Landmarks Preservation Board is required. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts that are not considered significant.

Historic and Cultural Preservation

The subject building is a City of Seattle Landmark. As such, any changes to this structure are subject to review and approval by the Landmarks Preservation Board. An application for Certificate of Approval was submitted to the Department of Neighborhoods Historic Preservation Program. The Board has reviewed the proposed renovation on multiple occasions. For these review, plans, elevations, renderings, and information on materials were supplied. The Board will continue to review the proposed design and a Certificate of Approval must be obtained from the Landmarks Preservation Board/Department of Neighborhoods Director prior to any construction activity. Given the review by this designated body, no further conditions pursuant to SMC 25.05.675 are warranted.

Conclusion

Other impacts not noted here as mitigated by codes, ordinances, or conditions are not sufficiently adverse to warrant further mitigation by conditions. Several adopted Codes and Ordinances, as well as other agencies will appropriately regulate and mitigate other use-related adverse impacts created by the proposal. Specifically, these include the Puget Sound Clean Air Agency (increased airborne emissions); and the Seattle Energy Code (long-term energy consumption). As conditioned below, pursuant to the Administrative Conditional Use authority, other impacts would be adequately mitigated. No further mitigation pursuant to SEPA authority is warranted.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information, on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030 (2)(C).
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

CONDITIONS – SEPA

During Construction

The following conditions are to be enforced during demolition/grading/construction and will be posted in locations on the property lines that are visible and accessible to the public and construction personnel from the street right-of-way. Since more than one street abuts the site, conditions will be posted along each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans (or with the demolition permit, if issued separately). The placards will be laminated with clear plastic or other weatherproofing material and will remain in place for the duration of construction. It is the proponent's responsibility to ensure that the sub-contractors are informed of the conditions listed below:

1. Construction activities (including but not limited to demolition, grading, deliveries, framing, roofing, and painting) shall be limited to non-holiday weekdays from 7am to 6 pm. Interior work that involves mechanical equipment, including compressors and generators, may be allowed on Saturdays between 9 am and 6 pm once the shell of the structure is completely enclosed, provided windows and doors remain closed. Non-noisy activities, such as site security, monitoring, weather protection shall not be limited by this condition.
2. The Tree Preservation Plan for the two street trees shall be adhered to during all construction activities as proposed.

Prior to Issuance of Master Use Permit (Non-appealable)

2. A Certificate of Approval for Use and Preliminary Design from the Landmarks Preservation Board/Department of Neighborhoods Director must be obtained.

CONDITIONS – ADMINISTRATIVE CONDITIONAL USE PERMIT

None.

Compliance with conditions must be verified and approved by the Land Use Planner assigned to this project (Lisa Rutzick at 206-386-9049) or by the Supervisor for the project (Jerry Suder at 206-686-4069), at the specified development stage, as required in the Director's decision. You must make an appointment with the assigned Land Use Planner at least three working days in advance of a field inspection. The Land Use Planner will determine whether the condition requires submission of additional documentation or a field verification to ensure that compliance has been achieved.

Signature: _____ (signature on file) Date: March 20, 2008
Lisa Rutzick, Land Use Planner
Department of Planning & Development

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